

(approved July 27, 2001)

**BOARD OF BEHAVIORAL SCIENCES  
LICENSING / EDUCATION COMMITTEE  
MEETING MINUTES**

**April 20, 2001**

**DEPARTMENT OF CONSUMER AFFAIRS  
400 R STREET, SUITE 1030  
SACRAMENTO, CA**

**MEMBERS PRESENT**

Karen Pines, MFT Member, Committee Chair  
Mark Burdick, LEP Member  
Howard Stein, Public Member

**MEMBERS ABSENT**

Virginia Laurence, LCSW Member

**STAFF PRESENT**

Sherry Mehl, Executive Officer  
LaVonne Powell, Legal Counsel  
Julie McAuliffe, Administrative Analyst

**GUEST LIST ON FILE**

The meeting was called to order at approximately 9:05 a.m.

**1. APPROVAL OF MINUTES**

MARK BURDICK MOVED, HOWARD STEIN SECONDED, AND THE COMMITTEE CONCURRED TO APPROVE THE MINUTES OF JANUARY 11, 2001.

**2. 2001 STRATEGIC PLAN COMMITTEE GOALS**

Ms. Mehl explained that each year the Department of Consumer Affairs requests that each Board review their strategic plan. Last year the Board made quite a few changes. The current performance measures have been updated to reflect the current measures used by Board staff.

HOWARD STEIN MOVED, MARK BURDICK SECONDED, AND THE COMMITTEE CONCURRED TO ADOPT THE STRATEGIC PLAN PERFORMANCE MEASURES.

### **3. DISCUSSION AND POSSIBLE ACTION REGARDING LIMITING THE NUMBER OF TIMES TO PARTICIPATE IN AN EXAMINATION**

Ms. Mehl explained that the Committee had discussed this issue at prior meetings and staff had provided studies and surveys regarding this issue. Ms. Pines stated that a legislation proposal adopted by the Board would limit the validity of the written examination to seven years. She thought that this legislation may address this issue.

The Committee decided to close the discussion on this issue.

Mary Riemersma, Executive Director of the California Association of Marriage and Family Therapists, indicated that the association would support the Committee's decision to table this issue and wait to see if the legislation provides the results the Committee is pursuing.

### **4. DISCUSSION AND POSSIBLE ACTION REGARDING EMPLOYMENT IN EXEMPT SETTINGS**

Ms. Pines stated that the Committee briefly discussion this issue at the January meeting. Many people are performing services in exempt settings without a registration or license and she questioned if the Committee should research whether the consumer is being protected and if there are other concerns regarding these settings.

Dr. Burdick asked if there was statistical data to review to determine if there are problems in these settings. Ms. Mehl stated that the Board does not have jurisdiction over these settings and the only statistics we may have would fall under the unlicensed activity category in our enforcement statistics.

Ms. Riemersma stated that the association would recommend that they and the Board try in some way to limit unlicensed practice in exempt settings. This will be a major battle and the exempt settings will be opposed to this but it is very necessary to restrict unlicensed people from working in certain settings that are now defined in the law as exempt settings. She indicated that this is a consumer safety issue.

Ms. Pines suggested that we may want to create supervision requirements for exempt settings to ensure that all unlicensed people are receiving some type of oversight. Ms. Riemersma stated that this would be difficult to do because we do not have any control over the settings.

Ms. Pines provided the Committee with background about her concerns. She currently teaches at a university that teaches five tracks of marriage and family therapy with only one of these tracks being clinical. These students graduate and then go to public or private agencies and perform counseling services without supervision. These students are terrified that they no longer receive any supervision. Ms. Pines is concerned that these students are not ready to be qualified counselors working independently without supervision and there are no limits on the services they are providing.

Ms. Mehl stated that the Senate Business and Professions Committee staff is aware of the exempt setting situations, not only for our license types, but for other license types as well and has expressed their concerns to Ms. Mehl. She is working closely with them and will be providing information regarding our exempt setting issues.

Dr. Burdick stated that as a Licensed Educational Psychologist he is familiar with a similar situation. He stated that educational therapists who are unlicensed call themselves therapists and this is misleading to the consumer who do not know the difference.

Dr. Stein asked for the definitions of counseling and therapy. He felt that there is a very thin line between the two.

Ms. Mehl suggested that she provide the Committee with examples of complaints received regarding unlicensed practice in exempt settings.

Geraldine Esposito, Executive Director of the California Society for Clinical Social Work, stated that there is a public policy issue perhaps not to be debated within the perimeters of the Board. She indicated the issue she sees is are people receiving services from these entities receiving services from an entity that is held to a lesser standard for care than other entities that the Board may have an interest in. She indicated that less fortunate people do not generally generate complaints and rarely know where to complain. She indicated that this is a very serious issue because of the indicated crisis in a lack of mental health counselors. The Legislature and interested parties are now looking at ways to further employ people who do not have the acceptable standards that are necessary for safe clinical practice.

## **5. 2001 LEGISLATION OF INTEREST TO THE BOARD**

Ms. Mehl provided the Committee with an overview of the legislation proposals. Senate bills 349 and 724 include all of our legislation proposals that were adopted by the Board at the January meeting.

Senate bill 537 would license alcohol and drug abuse counselors through the creation of a new board within the Department of Consumer Affairs. This bill seems to be in response to passage of Proposition 36, which now allows people convicted of non-violent drug offenses to receive treatment instead of incarceration. Ms. Pines expressed that she felt licensure for these practitioners was necessary. She stated that the bill language seems to parallel our law in some respects. Ms. Mehl explained there may be a possibility that the bill would be amended to put the licensing of these counselors under our Board. She stated that she has met with the Department of Consumer Affairs Legislative and Regulatory Review Division and explained the ramifications of putting this under the Board's charge. The first step is to develop an occupational analysis to determine the necessity of licensure. If it is determined that there is a need, we will need to develop educational and supervision requirements and examinations to ensure minimum competency. Also, there are budget augmentations and increases in staff that will be necessary. Ms. Mehl stated she would keep the Committee and full Board updated on this issue.

Ms. Esposito stated that the Society is opposed to this bill. She indicated that there are several public policy issues that need to be addressed. There are currently three bills in the legislative process that address insurance parity for substance abuse mentors. These bills mention terms such as assessment and dual diagnosis but do not provide any definitions. There are several mental health disorders that are masked by addition. The bill, as it currently reads, identifies criteria for different levels of licensure but does not clearly identify standards, except those set by an external private membership association.

Ms. Riemersma stated that the professional association is also opposed to the bill. She thought that this profession should not be under the charge of the Board because this is not a behavioral science profession.

Dr. Stein stated that he is aware of a bill of interest to the Board. Assembly bill 269 would require that a board member, the Director of the Department of Consumer Affairs, and the Governor's Appointment Secretary appoint an Executive Officer. Dr. Stein thought that this bill would take away the Board's independence.

Dr. Stein suggested that the Committee bring this issue to the Board to take an official position.

HOWARD STEIN MOVED, MARK BURDICK SECONDED, AND THE COMMITTEE CONCURRED TO RECOMMEND TO THE BOARD OPPOSITION OF ASSEMBLY BILL 269.

The meeting adjourned at 9:50 a.m.